

then, of course, there ought not to be any question of condemnation. If the thing itself is decomposed only to that inevitable degree that is inherent in the packing of fish products and meat products, then, of course, they ought not to be condemned, because that would practically stifle commerce in these articles altogether. These chemists from the department have testified as to the causes of this particular decomposition which they point out. You gentlemen have had the benefit of their advice and judgment on that subject, and, as I said before, it is up to you to say whether or not it appeals to you as business men sufficiently to justify you in saying the Government has met the burden and has in fact shown this particular product to be one in which there is decomposition and that the process of decomposition has gone to the extent where it is not necessarily dangerous, but such an extent as to make the article itself unfit for human food. It does not have to apply to all of it. If a reasonable percentage is of such a character as to create that opinion in your mind, then the Government has made its case. The verdict of the jury should be: 'We, the Jury, upon the issues joined, find for the United States' or 'find for the respondent.'"

The jury then retired and after due deliberation returned a verdict for the Government. Decrees of the court were thereupon entered, ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12657. Adulteration and misbranding of olive oil. U. S. v. Achille Joannidi and Andrew Anastopoulos (A. Joannidi & Co.). Plea of guilty by Achille Joannidi. Fine, \$25. (F. & D. No. 17070. I. S. Nos. 1091-t, 5083-t.)

On April 21, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Achille Joannidi and Andrew Anastopoulos, copartners, trading as A. Joannidi & Co., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about May 6, 1921, from the State of New York into the State of Illinois, and on or about May 16, 1921, from the State of New York into the State of Connecticut, of quantities of alleged olive oil which was adulterated and misbranded. The consignment of May 6 into Illinois was labeled in part: (Can) "Olio La Famosa Cotton Salad Oil Slightly Flavored with Olive Oil Packed by Joannidi & Perides New York One Gallon Extra Fine Quality." The consignment of May 16 into Connecticut was labeled in part: (Can) "Olio Il Siciliano Brand Packed By Joannidi & Perides New York Extra Fine Quality Cotton Salad Oil Blended with Olive Oil Excellent Oil For Table Use The Best In The World One Gallon Net La Marca * * * Famosa Olio Eccellente Per Uso Di Tavola."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was cottonseed oil, with little or no olive oil present. Examination of a sample from each of the consignments by said bureau showed an average volume of 0.96 gallon on 12 cans from one shipment and 5 cans from the other shipment.

Adulteration of the article was alleged in substance in the information for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Olio La Famosa," borne in very prominent type on the cans containing a portion of the article, and the statement, "One Gallon," borne on the cans containing the said portion, and the statements, to wit, "Olio Il Siciliano," "La Marca Famosa," "Extra Fine Quality," "The Best in the World," "Olio Eccellente Per Uso Di Tavola," and "One Gallon Net," borne on the cans containing the remainder of the said article, were false and misleading in that they represented that the said article was olive oil and that each of the said cans contained 1 gallon thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was olive oil and that each of the said cans contained 1 gallon thereof, whereas, in truth and in fact, the said article was not olive oil but was composed in whole or in part of cottonseed oil and each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the statement, to wit, "Cotton Salad Oil Slightly Flavored With Olive Oil," borne on the cans containing a portion of the article, and the statement "Cotton Salad Oil Blended with Olive

Oil," borne on the cans, containing the remainder thereof, were false and misleading in that the said statements represented that the article was cotton salad oil flavored or blended with olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cotton salad oil flavored or blended with olive oil, whereas, in truth and in fact, it was not, but a portion of the article was a product composed in whole or in part of cottonseed oil and which contained no olive oil, and the remainder was a product which contained no flavor of olive oil. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 14, 1923, the defendant, Achille Joannidi, entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12658. Misbranding of Grandma's Compound Sarsaparilla. U. S. v. 2½ Dozen Bottles, et al., of Grandma's Compound Sarsaparilla. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17120, 17186. I. S. Nos. 7917-v, 7919-v. S. Nos. W-1271, W-1286.)

On January 11 and 18, 1923, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 8½ dozen bottles of Grandma's Compound Sarsaparilla, consigned by the Park Laboratory Co., San Antonio, Texas, alleging that the article had been shipped from San Antonio, Texas, in various consignments, namely, on or about September 1, September 9, and November 17, 1922, respectively, and transported from the State of Texas into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodide (0.3 per cent), alcohol (2.6 per cent), extracts of plant drugs including a laxative drug, sugar, and water, flavored with sassafras oil.

Misbranding of the articles was alleged in the libels for the reason that the package failed to bear any statement of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the statement, "Alcohol 10 per cent," appearing on a portion of the bottle labels and a portion of the cartons containing the bottles, the statement, in English or Spanish, "A specific For All Diseases Of The Blood," appearing on the bottle labels, and the statements in English and Spanish, "For The Removal And Permanent relief Of All Diseases Of The Blood, Such As Scrofula Or King's Evil, Syphilitic Or Mercurial Affections, Rheumatism, Obstinate Skin Eruptions, Erysipelas, Old Sores, Pimples, Blotches, Boils, Ringworm, Indolent Ulcers, Pains In The Bones, Salt Rheum, Female Weakness, General Debility and All Constitutional Diseases. * * * For Purifying And Vitalizing The Blood, Strengthening The System And Imparting New Life And Vigor To The Body," borne on the said cartons, regarding the curative and therapeutic effect of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed, or any of them.

On February 6, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12659. Adulteration and misbranding of vinegar. U. S. v. 17 Cases, et al., of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17021. I. S. Nos. 5133-v, 5134-v, 5135-v. S. No. C-3842.)

On or about December 19, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases containing gallon bottles, 20 cases containing quart bottles, and 24 cases containing pint bottles, of vinegar, at Chanute, Kans., alleging that the article had been shipped by the Springdale Vinegar Co., from Springdale, Ark., on or about August 22, 1922, and transported from the State of Arkansas into the State of Kansas, and charging adulteration and